

REMARKS

Claims 1-12 were previously pending in this application. Claims 2, 3, 5 and 9 have been withdrawn. Claims 1, 4, 6-8, 10 and 11 have been amended. New claims 13-21 are added herein. Applicants submit that no new matter has been added by way of this amendment. Applicants respectfully request reconsideration of the above-identified application, in view of the following remarks.

Priority

The Examiner indicated that the original Oath and Declaration inadvertently omitted the acknowledgment of the Brazilian application filed August 19, 1999. Applicants are concurrently filing a supplemental Oath and Declaration to remedy the informality.

Drawings

The Office Action indicates that Fig. 3 has been objected to due to an informality. Applicants submit a corrected Fig. 3, amended per the Examiner's suggestion. Also, Applicants are concurrently filing supplemental Figs. 7 and 8, illustrating astrological signs defined in claim 6, the numbers 1-8-15-22-29 defined in claims 7 and 11, musical notes as defined in claim 8, as well as the days of the month as claimed in claim 12. Applicants submit that the supplemental figures, do not add new matter and are fully supported by the specification and claims as originally filed.

Claim Objections

Claims 1, 4, 6-8, 10 and 11 have been objected to due to claim language informalities. Applicants have amended claims 1, 4, 6-8, 10 and 11 to remedy the language informalities and submit the objections to the claims have been overcome.

Claim Rejection under 35 U.S.C. § 112

Claims 1, 4, 6-8, 10 and 11 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants submit that claims 1, 4, 6-8, 10 and 11 have been amended to further clarify the pending claims and remedy the informalities identified in the Office Action on pages 6-7. Therefore, Applicants request withdrawal of this ground of rejections.

Claim Rejection under 35 U.S.C. § 102

Claims 1, 10 and 12 have been rejected under 35 U.S.C. § 102(b), as being anticipated by De Loof (US Patent No. 1,217,422). Applicants respectfully submit that De Loof does not anticipate the pending claims.

Amended independent claim 1 recites:

A visual sensitive calendar with areas corresponding to days of the week applicable to a calendar of dates including the Gregorian, the Egyptian, and the Israeli calendar formats, wherein seven representative areas explicit or implicitly perceptible, are presented wherein each representative area represents one of the days of the week and, each having associated characters, symbols, colors, sounds, objects or other representative elements which represent the month or months that initiate in a same day of the week whose respective area is representing, so that, following a sequential order of the seven areas the days of the week can be ascertained.

Applicants submit that the disclosure in DeLoof 's Fig. 1, does not anticipate the elements recited in amended independent claim 1.

More specifically, Applicants submit that the rectangles illustrated in Figs. 1-3 do not teach, disclose or suggest "seven representative areas explicit or implicitly perceptible..." as recited in amended independent claim 1. The Office Action indicates that the, "De Loof shows in figure 1 a visual sensitive calendar with seven areas (Sun-Sat) representing the days of the week..." (See, Office Action, page 7, ¶4). Applicants note that in Fig. 1 the "days of the week, arranged in the usual order, are shown in the first row and the months are arranged under them." (See, De Loof Col. 1, lines 26-30). However, Applicants submit that simply writing the days of the week within a single rectangle does not anticipate seven representative areas, as recited in claim 1.

In contrast to De Loof's single rectangular area, amended independent claim 1 recites, *inter alia*, "wherein seven representative areas explicit or implicitly perceptible, are presented wherein each representative area represents one of the days of the week and, each having associated characters, symbols, colors, sounds, objects or other representative elements...." Applicants submit that that De Loof's disclosure does not illustrate seven representative areas that are explicit or implicitly perceptible. Furthermore, Applicants submit that that De Loof does not disclosed the claimed relationship between the symbols, colors or other elements that represent months as related to a day of the week and the sequential order of the seven areas. By way of example only, Applicants submit that Figures 1 and 2, clearly illustrate the creation of seven representative areas as recited in independent claim 1 as that would be understood by someone skilled in the art in light of the specification and the figures.

Accordingly Applicants submit that amended independent claim 1 is patentably distinct from De Loof for at least these reasons. Further, Applicants submit at that De Loof does not anticipate the “sequential segmented areas” recited in amended independent claim 10 or the representative areas “corresponding to one of segments of a human hand or segments of a clock face” recited in independent claim 12 - read broadly or otherwise. Moreover, if the Examiner maintains the rejections, he is requested to show how, the statement “In regard to claim 12, as broadly defined, the columns formed by “Sun, May”, “Mon, Feb, Aug”, “Tue, Mar, Nov”, and “Wed, Jun” are considered to simulate ‘finger segments of a hand’.” (See, Office Action, page 8, ¶ 1). De Loof clearly does not teach, suggest or disclose the use of segmenting, nor does it teach, suggest, or disclose the segments of a human hand or a clock face as recited in independent claims 12.

Claim Rejections § 103

Claims 6-8 and 11 have been rejected under 35 U.S.C. § 103(a), as allegedly being unpatentable over De Loof. Claim 4 has been rejected under 35 U.S.C. § 103(a), as allegedly being unpatentable over De Loof, in view of Knight (US Design Patent No. 38,938). Applicants respectfully submit that the pending claims are patentably distinct from the cited references. More specifically, Applicants submit that De Loof’s disclosure does not anticipate, nor render obvious independent claims 1, 10 and 12. Further, Applicants submit that the pending claims 4, 6-8 and 11 are directly dependent from independent claims 1 or 10, respectively.

Accordingly, Applicants submit that the pending are patentably distinct from the De Loof for the reasons discussed above. Furthermore, Applicants submit that the ornamental designs disclosed in the Knight Design Patent do not remedy the deficiencies of De Loof identified above and discussed with regard to independent claims 1, 10 and 12. Therefore, Applicants request withdrawal of these grounds of rejections.

Furthermore, Applicants submit that the new claims 13-21 are also patentably distinct from the cited references taken alone or in combination.

The De Loof reference illustrates the seven days of the week in a tabular sequential order in a row. De Loof's row has a definite beginning and a definite end on opposite ends of the row. For example, Sunday is at one end, and Saturday is at the opposite end, just as days are usually displayed in tables.

In contrast, the claim 13 recites "the calendar is not in a tabular format." The seven areas are configured to serve as an instrument to be used for the determining calendar elements that are not necessarily explicitly illustrated in the calendar. For a greater detailed description of these aspects of the claimed invention, please refer to page 2, lines 21-23; page 5, lines 14 to 22; or from page 2, line 30-page 3, line 6. Advantageously, the invention enables arranging the seven days of the week in a ring-like continuous sequence so that each of the seven areas is located adjacent both to its previous area and to its following area.

Also, De Loof discloses the elements representing months adjacent to the corresponding days of the week. In direct contrast, as recited in claim 13, "the first and second representative components are arranged so that each element is inserted in the area that corresponds to a day of the week of a first day of the month it corresponds to...."


Moreover, De Loof discloses the numbers 1, 8, 15, 22, and 29, but bases the invention on the days of the week to the corresponding 7, 14, 21, and 28 days of each month, which is grounded in given the ease for memorizing multiples of 7. Also, De Loof's disclosure indicates the months that have 31 days by underlining. In contrast, Applicants claimed invention implements the numbers 1, 8, 15, 22, and 29 for the days each month in an calendar comprising seven areas. The claimed invention enables one to determine the day of the week of any given date as well as how many days a given month has, regardless of whether the month has 28, 29, 30 or 31 days.

CONCLUSION

It is now believed that all pending claims are in condition for allowance. In view of these remarks, an early and favorable reconsideration is respectfully requested.

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

Dated: May 16, 2005

By: 
Daniel C. Sheridan
Registration No. 53,585

Correspondence Address:

MORGAN & FINNEGAN, L.L.P.
345 Park Avenue
New York, NY 10154-0053
(212) 758-4800 Telephone
(212) 751-6849 Facsimile